

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 97B.4 and 97B.15, the Iowa Public Employees' Retirement System (IPERS) hereby gives Notice of Intended Action to amend Chapter 4, "Employers," Chapter 7, "Service Credit and Vesting Status," Chapter 11, "Application for, Modification of, and Termination of Benefits," Chapter 12, "Calculation of Monthly Retirement Benefits," Chapter 14, "Death Benefits and Beneficiaries," and Chapter 16, "Qualified Domestic Relations Orders and Other Assignments," Iowa Administrative Code.

IPERS proposes the following amendments to implement the new contribution rates for special service members effective July 1, 2010; to amend a provision overlooked in a previous rule making (see **ARC 6514B**, IAB 1/2/08) that raised the amount of wages from \$300 to \$1,000 for a member on unpaid leave of absence who performs services for the same employer during the leave of absence; to amend demographic reporting requirements for employers; to amend the provisions for voluntary suspension of payments to retired reemployed members who exceed the yearly earnings limit and the collection of related overpayments; to add provisions for the administration of marital property orders involving same gender spouses and same gender former spouses; and to add provisions for the tax treatment of distributions to same gender spouses and same gender former spouses.

There are no waiver provisions included in the proposed amendments.

Any person may make written suggestions or comments on the proposed amendments on or before February 2, 2010. Such written suggestions or comments should be directed to the IPERS Administrative Rules Coordinator at IPERS, P.O. Box 9117, Des Moines, Iowa 50306-9117. Persons who wish to present their comments orally may contact the IPERS Administrative Rules Coordinator at (515)281-3081. Comments may also be submitted by fax to (515)281-0045 or by E-mail to adminrule@ipers.org.

A public hearing will be held on February 2, 2010, at 9 a.m. at IPERS, 7401 Register Drive, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Persons who attend the hearing will be required to give their names and addresses for the record and to confine their remarks to the subject matter of the amendments.

These amendments were prepared after consultation with IPERS administration, the Benefits Advisory Committee, and Investment, Legal, Operations and Benefits Divisions.

These amendments are intended to implement Iowa Code sections 97B.4 and 97B.15.

The following amendments are proposed.

ITEM 1. Amend paragraph **4.2(2)"a"** as follows:

a. Employee's name, address, gender, ~~and~~ social security account number, and other demographic information that may be required;

ITEM 2. Amend subrule 4.6(2) as follows:

4.6(2) Contribution rates for sheriffs and deputy sheriffs.

	Effective July 1, 2007	Effective July 1, 2008	Effective July 1, 2009	Effective July 1, 2010
Combined rate	15.40%	15.04%	15.24%	17.88%
Employer	7.70%	7.52%	7.62%	8.94%
Employee	7.70%	7.52%	7.62%	8.94%

ITEM 3. Amend subrule 4.6(3) as follows:

4.6(3) Contribution rates for protection occupation.

	Effective July 1, 2007	Effective July 1, 2008	Effective July 1, 2009	Effective July 1, 2010
Combined rate	14.11%	14.08%	15.34%	<u>16.59%</u>
Employer	8.47%	8.45%	9.20%	<u>9.95%</u>
Employee	5.64%	5.63%	6.14%	<u>6.64%</u>

ITEM 4. Amend paragraph **7.1(1)“c”** as follows:

c. Notwithstanding paragraph “b” above, a member who is on an unpaid leave of absence and who during the period covered by the unpaid leave performs services for the covered employer granting the unpaid leave shall not receive service credit for such services until the employer has reported ~~\$300~~ \$1,000 in two consecutive quarters included in the unpaid leave period, and such service credit shall be granted only with respect to quarters beginning after said two consecutive quarters.

ITEM 5. Amend subparagraph **11.1(1)“b”(2)** as follows:

(2) If Option 4 or 6 is selected, the contingent annuitant’s name, gender, social security number, proof of date of birth, and relationship to member.

ITEM 6. Adopt the following new subrules 11.1(3) and 11.1(4):

11.1(3) *Benefits estimates.* Prior to submitting an application for benefits, a member may request IPERS to prepare estimates of projected benefits under the various options as described under Iowa Code section 97B.51. A benefit estimate shall not bind IPERS to payment of the projected benefits under the various options specified in Iowa Code chapter 97B. A member cannot rely on the benefit estimate in making any retirement-related decision or taking any action with respect to the member’s account, nor shall IPERS assume any liability for such actions. A member’s actual benefit can only be known and officially calculated when an eligible member applies for benefits.

11.1(4) *Revocation of application.* If IPERS determines an application for benefits is invalid for any reason, IPERS shall revoke, in whole or in pertinent part, the application for benefits and the recipient shall repay all payments made under the revoked application or all payments made pursuant to the revoked part of the application. The terms of repayment shall be subject to the provisions of 495—11.7(97B).

ITEM 7. Amend subrule 11.2(4) as follows:

11.2(4) *Required beginning date.*

a. Notwithstanding the foregoing, IPERS shall commence payment of a member’s retirement benefit under Iowa Code sections 97B.49A to 97B.49I (under Option 2) no later than the “required beginning date” specified under Internal Revenue Code Section 401(a)(9), even if the member has not submitted the application for benefits. If the lump sum actuarial equivalent could have been elected by the member, payments shall be made in such a lump sum rather than as a monthly allowance. The “required beginning date” is defined as the later of: (1) April 1 of the year following the year that the member attains the age of 70½, or (2) April 1 of the year following the year that the member actually terminates all employment with employers covered under Iowa Code chapter 97B.

b. If IPERS distributes a member’s benefits without the member’s consent in order to begin benefits on or before the required beginning date, the member may elect to receive benefits under an option other than the default option described above, or as a refund, if the member contacts IPERS in writing within 60 days of the first mandatory distribution. IPERS shall inform the member which adjustments or repayments are required in order to make the change.

c. If a member cannot be located to commence payment on or before the required beginning date described above, the member’s benefit shall be forfeited. However, if a member later contacts IPERS and wishes to file an application for retirement benefits, the member’s benefits shall be reinstated.

d. For purposes of determining benefits, the life expectancy of a member, a member’s spouse, or a member’s beneficiary shall not be recalculated after benefits commence.

e. If an IPERS member has a qualified domestic relations order (QDRO) or an administrable domestic relations order (ADRO) on file when a mandatory distribution is required, and the QDRO or ADRO requires the member to choose a specific retirement option, IPERS shall pay benefits under the option required by the order.

ITEM 8. Adopt the following **new** subrule 11.2(6):

11.2(6) *Federal tax code limitation for selection of survivor percentages for same gender spouses.* Benefits payable to members who name a same gender spouse or same gender former spouse as contingent annuitant under Option 4 or 6 shall be subject to the incidental death benefit limitations of Internal Revenue Code Section 401(a)(9)(G).

ITEM 9. Amend paragraph **11.7(5)“c”** as follows:

c. Overpayments that result in a judgment. If the overpayment results in a judgment against the recipient, In addition to other remedies, IPERS may file a civil action to recover overpayments, and the interest rate may be set by the court.

ITEM 10. Amend subrule 12.1(1) as follows:

12.1(1) *Formula benefit versus money purchase benefit.* If a member has four or more complete years of service credit in IPERS, a monthly payment allowance will be paid in accordance with the formulas set forth in Iowa Code sections 97B.49A through 97B.49I, the applicable paragraphs of this chapter, and the option the member elects pursuant to Iowa Code section 97B.51(1). IPERS shall determine on the applicable forms which designated fractions of a member's monthly retirement allowance payable to contingent annuitants shall be provided as options under Iowa Code section 97B.51(1). Any option elected by a member under Iowa Code section 97B.51(1) must comply with the requirements of the Internal Revenue Code that apply to governmental pension plans, including but not limited to Internal Revenue Code Section 401(a)(9) and federal laws governing the tax treatment of distributions from a tax-qualified retirement plan to same gender spouses and same gender former spouses. If a member has less than four complete years of service credit, the benefit receivable will be computed on a money purchase basis, with reference to annuity tables used by IPERS in accordance with the member's age and option choice.

ITEM 11. Amend subrule 12.8(2) as follows:

12.8(2) Beginning on or after July 1, 1996, the retirement allowance of a member subject to reduction pursuant to subrule 12.8(1) shall be reduced as follows:

a. A member's monthly retirement allowance in the following calendar year shall be reduced by the excess ~~amounts earned~~ benefit paid in the preceding year ~~divided by the number of months remaining in the following calendar year~~ after the excess benefit payment amount has been determined. ~~A member may elect to make repayment of the overpayments received in lieu of having the member's monthly benefit reduced. Elections to make installment payments must be accompanied by a repayment agreement signed by the member and IPERS. If the monthly amount to be deducted exceeds a member's monthly retirement allowance, the member's monthly allowance shall be withheld in its entirety until the overpayment is recovered. If a member dies and the full amount of overpayments determined under this subrule has not been repaid, the remaining amounts shall be deducted from the payments to be made, if any, to the member's designated beneficiary or contingent annuitant. If the member has selected an option under which there are no remaining amounts to be paid, or the remaining amounts are insufficient, the unrecovered amounts shall be a charge on the member's estate.~~

b. No change.

c. ~~A member may elect in writing to have the member's monthly retirement allowance suspended in the month in which the member's remuneration exceeds the amount of remuneration permitted under this rule in lieu of receiving a reduced retirement allowance under paragraph “a” of this subrule. If the member's retirement allowance is not suspended timely, the overpayment will be recovered pursuant to paragraph “a” of this subrule. The member's retirement allowance shall remain suspended until the earlier of January of the following calendar year or the member's termination of covered employment. The member's election shall remain binding until revoked in writing. Effective July 1,~~

2007, “remuneration” shall include those amounts as described in 495—subrule 6.3(13). The member’s overpayment shall be collected as follows:

(1) If the overpayment can be repaid by deducting up to 30 percent of each net monthly payment in three installments or less, IPERS shall adjust the member’s monthly benefit accordingly. If the adjustment cannot be repaid in three payments, a repayment agreement must be signed by the member and IPERS; or

(2) A member may elect to make repayments of the overpayment amounts out of pocket in lieu of having the member’s monthly benefit reduced. An out-of-pocket repayment may be made in one check or in installments. However, an election to make repayment in installments must be accompanied by a repayment agreement signed by the member and IPERS.

(3) If a member dies and the full amount of overpayment determined under this subrule has not been repaid, the remaining amounts shall be deducted from the payments to be made, if any, to the member’s designated beneficiary or contingent annuitant. If the member has selected an option under which there are no remaining amounts to be paid, or the remaining amounts are insufficient, the unrecovered amounts shall be a charge on the member’s estate.

(4) A member may elect in writing to have the member’s monthly retirement allowance suspended in the month in which the member’s remuneration exceeds the amount of remuneration permitted under this subrule in lieu of receiving a reduced retirement allowance under subparagraph (1). In order to become effective, the member’s written election must be delivered to IPERS in person, by regular mail, E-mail, facsimile or by private carrier. Oral elections shall not be accepted. The member’s election to suspend benefit payments in the month when the member’s remuneration exceeds the amount of reimbursement permitted under this subrule shall remain in effect for all subsequent calendar years until revoked by the member in writing. If the member’s written election is not received in time to avoid overpayment, the overpayment must be recovered, to the extent possible, from monthly amounts beginning in January of the next calendar year or under one of the alternate arrangements permitted under this rule. Effective July 1, 2007, remuneration shall include those amounts as described in 495—subrule 6.3(13).

ITEM 12. Amend rule 495—14.1(97B) as follows:

495—14.1(97B) Internal Revenue Code limitations. ~~The maximum claims period shall not exceed the period required under Internal Revenue Code Section 401(a)(9), which may be less than five years for death benefits payable under benefit options described in Iowa Code section 97B.51 and for members who die after their required beginning date. The claims period for all cases in which the member’s death occurs during the same calendar year in which a claim must be filed under this rule shall end April 1 of the year following the year of the member’s death. A death benefit payable under Iowa Code sections 97B.52(1) and 97B.52(2) shall not exceed the maximum amount possible under the Internal Revenue Code. The death benefits payable under Iowa Code sections 97B.51 and 97B.52 shall not exceed the maximum amount possible under Internal Revenue Code Section 401(a)(9).~~

To ensure that the limit is not exceeded, a member’s combined lump sum death benefit under Iowa Code sections 97B.52(1) and 97B.52(2) shall not exceed 100 times the Option 2 amount that would have been payable to the member at the member’s earliest normal retirement age. If a beneficiary of a special service member is eligible for an in-the-line-of-duty death benefit, any reduction required under this rule shall be taken first from a death benefit payable under Iowa Code section 97B.52(1). The “100 times” limit shall apply to active and inactive members. The death benefits payable under this chapter for a period of reemployment for a retired reemployed member who dies during the period of reemployment shall also be subject to the limits described in this rule.

The maximum claims period for IPERS lump sum death benefits shall not exceed the period required under Internal Revenue Code Section 401(a)(9), which may be less than five years for a member who dies after the member’s required beginning date, unless the beneficiary is an opposite gender spouse. The claims period for all cases in which the member’s death occurs during the same calendar year in which a claim must be filed under this rule shall end April 1 of the year following the year of the member’s death.

A member's beneficiary or heir may file a claim for previously forfeited death benefits. Interest, if any, for periods prior to the date of the claim will only be credited through the quarter that the death benefit was required to be forfeited by law. Interest for periods following the quarter of forfeiture will accrue beginning with the quarter that the claim for reinstatement is received by IPERS. For death benefits required to be forfeited in order to satisfy Section 401(a)(9) of the federal Internal Revenue Code, in no event will the forfeiture date precede January 1, 1988. IPERS shall not be liable for any excise taxes imposed by the Internal Revenue Service on reinstated death benefits.

Effective January 14, 2004, all claims for a previously forfeited death benefit shall be processed under the procedure set forth at rule 495—14.13(97B).

The system recognizes the validity of same gender marriages consummated in Iowa on or after April 27, 2009. The Iowa Supreme Court decision recognizing same gender marriages in Iowa specifically states that this recognition does not extend to same gender marriages of other states. The following special rules apply to same gender marriages in Iowa. IPERS shall administer marital property and support orders of same gender spouses married in Iowa on or after April 27, 2009, if the orders otherwise meet the system's minimum requirements for such orders, but shall modify the tax treatment of distributions under such orders as required by the federal laws governing such distributions. IPERS shall adopt such rules and procedures as are deemed necessary to fully implement the provisions of this subrule.

ITEM 13. Adopt the following new rule 495—14.17(97B):

495—14.17(97B) Special rules for tax treatment of distributions to same gender spouse and same gender former spouse alternate payees.

14.17(1) A beneficiary who is a same gender spouse or a same gender former spouse alternate payee shall be permitted to request direct rollovers of such beneficiary death benefit payments in the same manner as provided for a nonspouse beneficiary.

14.17(2) Effective April 27, 2009, the term “eligible person” under Iowa Code section 97B.53B includes a same gender surviving spouse or same gender former spouse alternate payee, both of whom are subject to the limits specified in Iowa Code section 97B.53B(1) “b”(4).

14.17(3) The term “eligible rollover distribution” does not include any lump sum distribution of benefits to a same gender spouse or same gender former spouse alternate payee, excluding death benefit distributions.

14.17(4) The system shall have the authority to do whatever is necessary in its sole discretion to ensure that federal taxation of benefits paid to same gender spouses and same gender former spouses meets the requirements of the federal laws governing such distributions.

ITEM 14. Amend **495—Chapter 16**, title, as follows:

~~QUALIFIED DOMESTIC RELATIONS ORDERS AND OTHER ASSIGNMENTS~~

ITEM 15. Amend rule 495—16.2(97B) as follows:

495—16.2(97B) ~~Qualified domestic~~ Domestic relations orders. This rule shall apply only to marital property orders. All support orders shall continue to be administered under rule 495—16.1(97B).

16.2(1) Definitions.

“Administrable domestic relations order” or “ADRO” means a domestic relations order that divides the marital property of same gender spouses, assigns to same gender alternate payees the right to receive all or a portion of the benefits payable with respect to a member under IPERS, and meets the requirements of this rule.

“Alternate payee” means a spouse or former spouse, regardless of gender, of a member who is recognized by a domestic relations order as having a right to receive all or a portion of the benefits payable by IPERS with respect to such member. “Alternate payee” also refers to persons who are entitled pursuant to a qualified domestic relations order to receive benefits after the death of the original alternate payee.

“*Benefits*” means, for purposes of this rule and depending on the context, a refund, monthly allowance (including monthly allowance paid as an actuarial equivalent (AE)), or death benefit payable with respect to a member covered under IPERS. “Benefits” does not include dividends payable under Iowa Code section 97B.49 or other cost-of-living increases unless specifically provided for in a ~~qualified domestic relations order~~ QDRO or an ADRO.

“*Domestic relations order*” means any judgment, decree, or order which relates to the provision of marital property rights to a spouse or former spouse, regardless of gender, of a member and is made pursuant to the domestic relations laws of a state.

“*Member*” means, for purposes of this rule, IPERS members, beneficiaries, and contingent annuitants.

“*Qualified domestic relations order*” or “*QDRO*” means a domestic relations order ~~which that~~ divides the marital property of opposite gender spouses and assigns to an opposite gender alternate payee the right to receive all or a portion of the benefits payable with respect to a member under IPERS and meets the requirements of this rule.

“*Same gender spouse*” or “*same gender former spouse*” means a spouse or former spouse who is the same sex as the member.

“*Successor alternate payee*” means a person or persons named in a domestic relations order to receive the amounts payable to the alternate payee under the QDRO or ADRO if the alternate payee dies before the member. Successor alternate payees must be named individuals, not a class of individuals, a trust or an estate.

“*Trigger event*” means a distribution or series of distributions of benefits made with respect to a member.

16.2(2) Requirements.

a. *Mandatory provisions.* A domestic relations order is a ~~qualified domestic relations order~~ QDRO or an ADRO if such order:

(1) to (6) No change.

b. *Prohibited provisions.* A domestic relations order is not a ~~qualified domestic relations order~~ QDRO or an ADRO if such order:

(1) and (2) No change.

(3) Requires the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined by IPERS to be a ~~qualified domestic relations order~~ QDRO or an ADRO;

(4) to (6) No change.

c. *Permitted provisions.* A ~~qualified domestic relations order~~ QDRO or an ADRO may also:

(1) to (4) No change.

(5) Name a successor alternate payee to receive the amounts that would have been payable to the member’s spouse or former spouse under the order, if the alternate payee dies before the member. The designation of a successor alternate payee in an order shall be void and be given no effect if IPERS does not receive confirmation of the successor’s name, social security number, and last-known mailing address in a cover letter or in a copy of the court’s confidential information form. A QDRO or an ADRO that lists a series of default successor alternate payees by class or permits a successor alternate payee to designate additional successor alternate payees is not permitted and will be rejected. Once a QDRO or an ADRO is ~~qualified and~~ accepted by IPERS for administration, in order to change the designation of successor alternate payees, an amended order is required.

16.2(3) Administrative provisions.

a. No change.

b. The alternate payee shall not be entitled to any share of the member’s death benefits except to the extent such entitlement is recognized in a ~~qualified domestic relations order~~ QDRO or an ADRO or in a beneficiary designation filed subsequent to the dissolution.

c. If a ~~qualified domestic relations order~~ QDRO or an ADRO directs the member to name the alternate payee under the order as a designated beneficiary, and the member fails to do so, the provisions of the ~~qualified domestic relations order~~ QDRO or ADRO awarding the alternate payee a

share of the member's death benefit shall be deemed, except as revoked or modified in a subsequent ~~qualified domestic relations order~~ QDRO or ADRO, to operate as a beneficiary designation, and shall be given first priority by IPERS in the determination and payment of such member's death benefits. Death benefits remaining after payments required by the ~~qualified domestic relations order~~ QDRO or ADRO, to the extent possible, shall then be made according to the terms of the member's most recent beneficiary designation.

d. No change.

e. An alternate payee shall not receive a share of dividends or other cost-of-living increases, unless so provided in a ~~qualified domestic relations order~~ QDRO or an ADRO.

f. The CEO, or CEO's designee, shall have exclusive authority to determine whether a domestic relations order is a ~~qualified domestic relations order~~ QDRO or an ADRO. A final determination by the CEO, or CEO's designee, may be appealed in the same manner as any other final agency determination under Iowa Code chapter 97B.

g. No change.

h. A domestic relations order shall not become effective until it is approved by IPERS. If a member is receiving a retirement allowance at the time a domestic relations order is received by the system, the order shall be effective only with respect to payments made after the order is determined to be a ~~qualified domestic relations order~~ QDRO or an ADRO. ~~If the order is determined to be qualified after the current month's benefit is certified for payment, the alternate payee's portion of the member's benefit shall begin with the next month's benefit paid to the member without credit for the prior month's payment. If distributions have already begun at the time that an order is determined by IPERS to be a QDRO or an ADRO, the order shall be deemed to be the alternate payee's application to begin receiving payments under the QDRO or ADRO. Payment to the alternate payee will be paid for the month the order is accepted by IPERS.~~ If the member is not receiving a retirement allowance at the time a domestic relations order is approved by IPERS and the member applies for a refund or monthly allowance, or dies, no distributions shall be made until the respective rights of the parties under the domestic relations order are determined by IPERS. If IPERS has placed a hold on the member's account following written or verbal notification from the member, member's spouse, or legal representative of either party of a pending dissolution of marriage, and no further contacts are received from either party or their representatives within the following one-year period, IPERS shall release the hold.

i. No change.

j. IPERS has no duty or responsibility to search for alternate payees. Alternate payees must notify IPERS of any change in their mailing addresses. IPERS shall contact the alternate payee in writing at the last known mailing address on file with IPERS, notifying the alternate payee that an application for a distribution has been received with respect to requested by the member and providing. IPERS shall send the alternate payee with an application to be completed and returned by the alternate payee to IPERS. The written notice shall provide inform the alternate payee that if the alternate payee does not return said the application to IPERS within 60 days after such written the materials are mailed by IPERS, the amounts otherwise payable to the alternate payee shall be paid to the member or the member's beneficiary(ies) until a valid application is received, and accepted by IPERS. IPERS shall have no liability to the alternate payee with respect to payment of such amounts. IPERS has no duty or responsibility to search for alternate payees. If distributions have already begun at the time that an order is determined by IPERS to be a qualified domestic relations order, the qualified domestic relations order shall be deemed to be the alternate payee's application to begin receiving payments under the QDRO.

k. If an alternate payee's application is received after the member's first or current month's benefit is certified for payment, the alternate payee's portion of the member's benefit shall begin with the next month's benefit paid to the member without credit for the prior month's payment. If a QDRO or an ADRO requires the member to select an option with joint and survivor provisions (Option 4 or 6) and name the alternate payee as contingent annuitant, acceptable birth proof for the contingent annuitant pursuant to 495—subrule 11.1(2) shall be provided to IPERS prior to the order being approved by IPERS.

l. For both lump sum and monthly payments, the alternate payee's tax withholding and rollover ~~(if eligible)~~ elections, if eligible, must be received before the first or current month's benefit is certified for payment or IPERS will use the applicable default tax withholding elections.

m. If an order that is determined to be a ~~qualified domestic relations order~~ QDRO or an ADRO divides a member's account using a service factor formula and the member's IPERS benefits are based on a number of quarters less than the member's total covered quarters, notwithstanding any terms of the order to the contrary, IPERS shall limit the number of quarters used in the numerator and the denominator of the service fraction to the number of quarters actually used in the calculation of IPERS benefits.

n. The parties or their attorneys in a dissolution action involving an IPERS member shall decide between themselves which attorney will submit a proposed domestic relations order to IPERS for review. IPERS shall not review a proposed order that has not been approved as to form by both parties or their counsel. A rejection under this paragraph shall not preclude IPERS from placing a hold on a member's account until the ~~qualified~~ status of a proposed order as a QDRO or an ADRO is resolved.

o. If a domestic relations order has been determined by the system to be an ADRO, before the system will accept the ADRO for current or deferred administration, the alternate payee under that final order shall be required to complete any forms required by IPERS for purposes of determining the proper tax treatment of current or future distributions to that alternate payee in accordance with federal laws governing such distributions.

p. If a member with an IPERS-approved QDRO or ADRO is receiving a distribution according to a qualified benefits arrangement (QBA), the alternate payee shall share in the distribution to the member unless the order specifically states otherwise.